

HOUSE BILL No. 1730

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2-48.5; IC 34-54-11.

Synopsis: Uniform Enforcement of Foreign Judgments Act. Adopts the Uniform Enforcement of Foreign Judgments Act created by the National Commissioners on Uniform State Laws.

Effective: July 1, 1999.

Munson

January 26, 1999, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1730

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-6-2-48.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 48.5. As used in IC 34-54-11, "foreign judgment" has**
4 **the meaning set forth in IC 34-54-11-1.**

5 SECTION 2. IC 34-54-11 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 1999]:

8 **Chapter 11. Uniform Enforcement of Foreign Judgments Act**
9 **Sec. 1. As used in this chapter, "foreign judgment" means a**
10 **judgment, a decree, or an order of a court of the United States or**
11 **of any other court that is entitled to full faith and credit in Indiana.**

12 **Sec. 2. A copy of a foreign judgment authenticated in**
13 **accordance with the act of Congress or IC 34-39-4 may be filed in**
14 **the office of the clerk of any court in Indiana. The clerk shall treat**
15 **the foreign judgment in the same manner as a judgment of the**
16 **court. A judgment so filed has the same effect and is subject to the**
17 **same procedures, defenses, and proceedings for reopening,**

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1 vacating, or staying as a judgment of a court in Indiana and may
2 be enforced or satisfied in like manner.

3 Sec. 3. (a) At the time of the filing of the foreign judgment, the
4 judgment creditor or the lawyer of a judgment creditor shall make
5 and file with the clerk of the court an affidavit setting forth the
6 name and last known post office address of the judgment debtor
7 and the judgment creditor.

8 (b) Promptly upon the filing of the foreign judgment and the
9 affidavit, the clerk shall mail notice of the filing of the foreign
10 judgment to the judgment debtor at the address given and shall
11 make a note of the mailing in the docket. The notice shall include
12 the name and post office address of the judgment creditor and the
13 judgment creditor's lawyer, if any, in Indiana. In addition, the
14 judgment creditor may mail a notice of the filing of the judgment
15 to the judgment debtor and may file proof of mailing with the
16 clerk. Lack of mailing notice of filing by the clerk shall not affect
17 the enforcement proceedings if proof of mailing by the judgment
18 creditor has been filed.

19 (c) No execution or other process for enforcement of a foreign
20 judgment filed under this chapter shall issue until five (5) days
21 after the date the judgment is filed.

22 Sec. 4. (a) If the judgment debtor shows the court that an appeal
23 from the foreign judgment is pending or will be taken, or that a
24 stay of execution has been granted, the court shall stay
25 enforcement of the foreign judgment until the appeal is concluded,
26 the time for appeal expires, or the stay of execution expires or is
27 vacated, upon proof that the judgment debtor has furnished the
28 security for the satisfaction of the judgment required by the state
29 in which it was rendered.

30 (b) If the judgment debtor shows the court any ground upon
31 which enforcement of a judgment of a court in Indiana would be
32 stayed, the court shall stay enforcement of the foreign judgment
33 for an appropriate period, upon requiring the same security for
34 satisfaction of the judgment which is required in Indiana.

35 Sec. 5. Any person filing a foreign judgment shall pay to the
36 clerk the fee required under IC 33-19-5-4 to file a civil action. Fees
37 for docketing, transcription, or other enforcement proceedings
38 shall be provided for judgments of the court.

39 Sec. 6. The right of a judgment creditor to bring an action to
40 enforce a foreign judgment instead of proceeding under this
41 chapter remains unimpaired.

42 Sec. 7. This chapter shall be interpreted and construed to



1 **effectuate its general purpose to make uniform the law of those**
2 **states that enact the Uniform Enforcement of Foreign Judgments**
3 **Act.**

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